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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,164	07/03/2003	Tonny Chen	BHT-3204-47	4156

7590 08/27/2004

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SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,164

Applicant(s)

CHEN, TONNY

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is an office action for serial number 10/612,164,  
Adjustable Support Apparatus For Monitor In the Car.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of  
35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the middle connecting means for coupling to the adjustable rod and the rear connecting means for coupling to the adjustable rod, does not reasonably provide enablement for the middle connecting means for coupling to the front connecting means or the rear connecting means for coupling to the middle connecting means. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

The following is a quotation of the second paragraph  
of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "car" in line 1. There is insufficient antecedent basis for this limitation in the claim

Claim 1 recites the limitation "front seat " in line 2. There is insufficient antecedent basis for this limitation in the claim

Claim 3 recites the limitation "pivotal rod" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "pivotal rod" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The claims have been rejected under 35 U.S.C. 112 for the above reasons. Please note that the Examiner may not have pointed out each and every example of indefiniteness. The applicant is required to review all the claim language to make sure the claimed invention is clear and definite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-8, 10, and 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Solomon et al. (Solomon) 4,568,052. Solomon discloses a two fastening members (21 comprising the C-shaped member and the screw member for the C-shaped member), adjustable rods (26, 28, 32, and 30), a front (16), middle (18), and a rear connecting means (12), pivotal means (20) being a pivotal rod. The adjustable rods having two holes at each side (see figure 2 where pivot means (e.g. 40, 48, 38, 34, 46, 42, 44, and 36) are received). Solomon discloses holes that can receive screw bolts, and a nut for pivotal connection between the adjustable rods and the connecting means. The applicant in claims 7, 8, 10, and 11 does not positively claim the screw bolt or nut therefore Solomon meets the limitations of the claims 7, 8, 10, and 11 by discloses a hole that can be used in conjunction with a screw bolt and/or nut.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 9 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Solomon 4,568,052 in view of Ahlberg 1,733,107. Solomon discloses all of the limitations of the claimed invention except for the bolt screw and nut as a pivotal connection. Ahlberg discloses adjustable members (6 and 10), pivotal means (figure 3), hole (figure 3), a bolt screw and nut (7 and nut shown but not labeled) being the pivotal means for the members, pivotable rod (17, figure 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Solomon to have made the connecting means being coupled to the pivotal member and or rods by a screw bolt and a nut as taught by Ahlberg for the purpose of providing a better means of pivotal movement

since the substitution is a mechanical equivalent providing pivotal securing means.

Claim 5 is rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Solomon 4,568,052 in view of Boham et al. (Boham)2,886,277. Solomon discloses all of the limitations of the claimed invention except for the fastening members comprising a U-shaped means and a n-shaped means. Boham teaches a fastening members comprising a U-shape means (10) and a n-shape means (4). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Solomon to have made the fastening members being a U-shaped means and a N-shaped means as taught by Boham for the purpose of providing a means that would allow the support apparatus to be clamped to a leg having a cylindrical shape or a rectangular shape.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

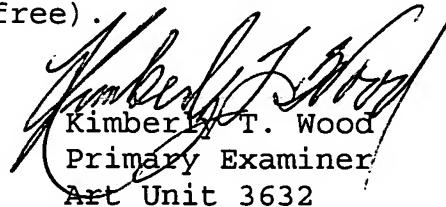
The prior art discloses conventional adjustable rods and connecting means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Kimberly T. Wood whose telephone number is 703-308-0538.  
The examiner can normally be reached on Monday-Thursday  
7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

August 22, 2004